

Interview Summary	Application No. 10/682,050	Applicant(s) CLARK ET AL.	
	Examiner Chester T. Barry	Art Unit 1724	

All participants (applicant, applicant's representative, PTO personnel):

(1) Chester T. Barry. (3) _____

(2) Mr. LaBarge. (4) _____

Date of Interview: 9/7/06, 9/11/06.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: 19-39.

Identification of prior art discussed: none.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: see attached.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Barry, Chester*INTERVIEW SUMMARY*

From: Barry, Chester
Sent: Monday, September 11, 2006 5:01 PM
To: 'Richard LaBarge'
Subject: RE: 03014/1086 - 10/682050

This format will be fine, thank you.

-----Original Message-----

From: Richard LaBarge [mailto:rlabarge@marshallip.com]
Sent: Monday, September 11, 2006 4:58 PM
To: Barry, Chester
Subject: RE: 03014/1086 - 10/682050

Here is the revised claim set. If you would prefer it without the parentheticals and/or brackets and underlining, please let me know.

1-25. (Cancelled)

26. (Currently amended) A sludge digester comprising:

- a vessel that has a shell with a bottom section with sloped sides, a top section, and a middle section;
- an upper draft tube that has a lower end that opens into the shell and an upper end that opens into the top section;
- a distinct lower draft tube that has an upper end that opens into the shell, beneath the lower end of the upper draft tube, and a lower end that opens into the lower section; and
- means for pumping liquid through the upper draft tube; and
- separate, independent means for pumping liquid through the lower draft tube.

27. (Previously presented) A sludge digester as recited in claim 26, in which the vessel comprises more than two draft tubes.

28. (Previously presented) A sludge digester as recited in claim 26, in which jet pumps are provided as the means for pumping liquid through the draft tubes.

29. (Previously presented) A sludge digester as recited in claim 26, in which the middle section is bounded by cylindrical walls.

30. (Previously presented) A sludge digester as recited in claim 26, in which the top section slopes inwardly from the middle section.

31. (Previously presented) A sludge digester as recited in claim 26, in which the vessel is generally egg-shaped.

32. (Previously presented) A sludge digester as recited in claim 26, in which the means for pumping liquid through one of the draft tubes comprises means for pumping liquidly downwardly through that draft tube.

33. (Previously presented) A sludge digester as recited in claim 26, in which the means for pumping liquid through the draft tubes comprise means for pumping liquidly downwardly through the upper draft tube and upwardly through the lower draft tube.

34. (Previously presented) A sludge digester as recited in claim 26, in which the means for pumping liquid through the draft tubes comprise means for simultaneously pumping liquid downwards through at least one of the draft tubes and upwards through another of the draft tubes.

35. (Original) An anaerobic sludge digester comprising:

- a vessel for containing a volume of liquid, the vessel having a shell with a bottom section with sloped sides, a top section, and a relatively wide middle section;
- an upper draft tube that has upper end in the shell, a lower end in the relatively wide middle section, and an inlet and an outlet at those ends;
- a lower draft tube that has an upper end in the relatively wide middle section, beneath the lower end of the upper draft tube, a lower end in the shell, and an inlet and an outlet at those ends; and
- means for pumping liquid through one of the draft tubes and separate, independently operable means for pumping liquid through the other of the draft tubes.

36. (Currently amended) An anaerobic sludge digester comprising:

- a vessel for a volume of liquid, the vessel having a shell with a top section, a relatively wide middle section, and a bottom section

9/11/06

3/4

with sloped sides;

an upper draft tube with a lower end in the relatively wide middle section;

a lower draft tube with an upper end in the relatively wide middle section, directly below the lower end of the upper draft tube;

[and]

means for pumping liquid downwards through the upper draft tube to the relatively wide middle section; and

means for pumping liquid upwardly through the lower draft tube as liquid is being pumped downwardly through the upper draft tube.

37. (Cancelled)

38. (Original) An anaerobic sludge digester as recited in claim 35, and further comprising an external liquid recirculation system.

39. (Currently amended) An anaerobic sludge digester comprising:

a vessel for containing a volume of liquid, the vessel having a shell with a top section, a middle section, and a bottom section with sloped sides;

an upper draft tube with an upper end in the top section;

a lower draft tube with a lower end in the bottom section;

a middle draft tube with an upper end directly beneath the [upper] lower end of the upper draft tube; and

means for pumping liquid in one of the drafts tubes in one direction, and for simultaneously pumping liquid in another of the draft tubes in an opposed direction.

-----Original Message-----

From: Barry, Chester [mailto:Chester.Barry@uspto.gov]

Sent: Thursday, September 07, 2006 8:22 AM

To: Richard LaBarge

Subject: 03014/1086 - 10/682050

Mr. LaBarge,

Please file no later than 9/12 by fax (*) a supplemental amendment in which the following changes are made:

Claims 19-25 are cancelled.

Amend claim 36 to include the limitations of claim 37

Cancel claim 37

Amend claim 39 line 6 by changing "upper end" to "lower end."

With the foregoing changes, claims 26-36, 38-39 would be allowed.

* Alternatively and preferably, file ONLY changes to the claims (without remarks, signatures, etc) via e-mail and - if consonant with this e-mail and our discussion, if any - I will then cut-and-paste an examiner's amendment.

If you have questions, please call to discuss.

Chester Barry
Patent Examiner
571-272-1152

The material in this transmission contains confidential information intended only for the addressee. If you are not the addressee, any disclosure or use of this information by you is strictly prohibited. If you have received this transmission in error, please delete it, destroy all copies, and notify Marshall, Gerstein & Borun LLP by telephone (312) 474-6300. Thank you.

4/4